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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

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ARELI THOMAS,

Plaintiff,

v.

WEBER STATE UNIVERSITY,

Defendant.

**ORDER TO SHOW CAUSE**

Case No. 1:20-cv-00054

Judge Tena Campbell

Magistrate Judge Daphne A. Oberg

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On June 1, 2023, this case was stayed in substantial part. (Order Granting Stay, ECF No. 133). As of the date of this Order, it remains stayed in substantial part.

The Plaintiff in this action, Areli Thomas, nevertheless filed two Motions while the case was stayed: her Motion for Summary Judgment (ECF No. 145 (filed June 15, 2023)) and a Motion for Leave to File Sealed Document (ECF No. 153 (filed June 21, 2023)).

In response, Defendant Weber State University (WSU) notified the court that because these motions were filed during the stay, it will not respond to the substance of either of these motions without further order from the court. (Notices, ECF Nos. 156 & 157). In notifying the court of its plan not to respond to Ms. Thomas' Motion for Summary Judgment, WSU says it "intends to abstain from replying to it including the 72 facts that are incorporated by reference into Plaintiff's Opposition" to WSU's Motion for Summary Judgment. (Notice, ECF No. 156 at 3 (referencing WSU's Motion for Summary Judgment, ECF No. 114)). WSU also argues that Ms. Thomas' incorporation by reference of these facts into her Opposition to WSU's Motion for Summary Judgment, (see Opp'n WSU Mot.

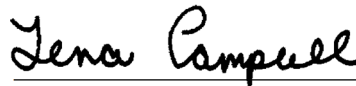
Summ. J., ECF No. 144 at 13 (telling court to “See Plaintiff’s Motion for Summary Judgment Statement of Facts incorporated here” for Plaintiff’s rebuttal statement of material facts)), violates both the Federal Rules of Civil Procedure and the U.S. District Court for the District of Utah’s Local Rules of Practice, (Notice, ECF No. 156 at 2–3).

WSU is correct that these motions were filed while this case was stayed. WSU also raises an issue about the incorporation of Ms. Thomas’ statement of facts into her Opposition memorandum that is relevant to the court’s decision about WSU’s pending Motion for Summary Judgment, which is not part of the stay. (See ECF No. 133).

Consequently, the Court **ORDERS** that Plaintiff must, by July 5, 2023, show cause why (1) the court should not terminate her Motion for Summary Judgment (ECF No. 145) and her Motion for Leave to File Sealed Document (ECF No. 153), because she filed them while this case was stayed; and (2) whether the court can consider the incorporated statement of facts in her Opposition to WSU’s Motion for Summary Judgment.

DATED this 27th of June, 2023.

BY THE COURT

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Judge Tena Campbell  
United States District Court Judge